

OVERVIEW OF CHANGES FOR ALL BOARDS

1. Elimination of boards or regulatory programs which were unnecessary, or did not operate in the best interest of the consumer.

- The following boards and programs sunsetted on July 1, 1997:
 - Board of Landscape Architects
 - Board of Guide Dogs for the Blind
 - Board of Barbering and Cosmetology
 - Cemetery Board
 - Board of Funeral Directors and Embalmers
 - Interior Design Certification Program
 - Tax Preparer Program
- Since July 1, 1997, the Legislature made the following changes:
 1. Created an advisory committee for landscape architects under the Architect's Board.
 2. Extended the sunset of the Board of Guide Dogs for the Blind till July 1, 2002.
 3. Revised and Extended the sunset of the Interior Design Certification Program till January 1, 1999.
 4. Allowed for the creation of a private non-profit Educational Council for Tax Preparers to assure continuing education.
- The following boards and programs sunsetted on July 1, 1998:
 - Board of Nursing Home Administrators
 - Veterinary Technician Examining Committee

2. Merger or consolidation of boards or regulatory programs to improve the overall efficiency and effectiveness of the licensing, administrative and enforcement functions.

- The following boards were recommended to sunset on July 1, 1999 and be merged into one board:
 - Hearing Aid Dispenser Examining Committee
 - Speech-Language Pathology & Audiology Board
- Legislation failed which would have merged these two regulatory programs into one board. However, these two boards will now sunset on July 1, 1999 and become a merged program under the Department.

3. Shortened the period of time for the next sunset review because of unresolved problems with the following boards (sunset date is normally extended for 4 to 6 years):

- Contractors' State License Board (2 years)
- Engineer's Board (2 years)
- Court Reporters Board (3 years)
- Structural Pest Control Board (3 years)

4. Increases in the number of enforcement/disciplinary actions taken against licensees, and improvement of the enforcement process.

- Over the past four years, almost every board has increased the number of disciplinary actions taken against licensees. The Division of Investigation for the Department indicates an increase of 10% in serious cases referred to their agency in just the past three years.
- There has been a reduction in the backlog of cases for investigation, and for those cases awaiting prosecution by the Attorney General's Office.
- Reduction in the time frame for processing complaints, investigating and prosecuting cases.
- Development of policies and procedures for prioritizing cases.
- Boards finally completed passing regulations to implement cite and fine authority, (some had taken 2 to 4 years to pass), and have steadily increased the number of citations and fines issued.
- Expanded grounds for disciplinary action and unprofessional conduct, and recommended increased powers for particular boards to temporarily suspend or automatically revoke licenses.
- All boards now have disciplinary guidelines which are used by those involved in the disciplinary process to make proposed and final decisions regarding a disciplinary case.
- Required all boards under review for 1997, to perform a "Consumer Satisfaction Survey" to determine how satisfied complainants were with the overall service provided by the board in the handling of their complaints. Based on these surveys, boards are now implementing changes to respond to consumer concerns.

5. *Changes in the composition of boards to assure adequate representation of the public's interest.*

- The Joint Committee made attempts to increase public membership on boards whenever possible. The composition of the following boards were changed to increase public representation and provide for a more balanced board:
 - Board of Accountancy (eliminated 2 professional members; composition is now 6 professional and 4 public members)
 - Board of Pharmacy (added 1 public member; composition is now 4 professional and 3 public members)
 - Veterinary Medical Board (added 1 public member; composition is now 4 professional and 3 public members)
 - Board of Vocational Nurses and Psychiatric Technicians (added 1 public member and changed to public majority; composition is now 6 public and 5 professional members)
 - Acupuncture Board (eliminated 2 professional members; composition is now 5 professional and 4 public)
 - Board of Podiatry (added 1 public member; composition is now 4 professional and 3 public)
 - Board of Psychology (added 1 public member; composition is now 5 professional and 4 public)
 - Physician Assistant Committee (added 2 public members; composition is now 5 professional and 4 public)
 - Respiratory Care Board (added 1 public member; composition is now 5 professional and 4 public)

6. *Improved operational efficiencies for individual boards.*

- Anticipating sunset review, all boards made use of strategic planning efforts to improve all programs. Goals and objectives are now more oriented toward providing better service to the consumer. Boards have developed critical measures of performance in the areas of cost, quality of service, and speed of service.
- Some boards have reengineered their programs to shorten time frames for obtaining a license, filing a complaint, performing investigations, and ultimately taking disciplinary actions against licensee for violation of the board's laws or regulations.
- Recent adoption of policies, standards, procedures and guidelines for board meetings and activities, licensing and examination of applicants, and disciplining of licensees.
- More efficient handling of complaints. Increased use of complaint mediation, settlements and providing restitution to the consumer.

- More thorough review and verification of applications to assure there are no prior disciplinary actions, convictions or judgments against the candidate for licensure. (Example: Use of fingerprinting program for new licensees.)
- Elimination or change in structure and responsibilities of oversight (professional) committees used by boards which interfered with staff responsibilities and duties, especially in the handling of disciplinary cases.

7. Cost savings.

- Reduced costs of boards by revising or eliminating programs (or requirements) where found unnecessary or could be curtailed.
- Better use of cost recovery on enforcement cases and collection of costs for investigating and prosecuting those found guilty of violating licensing laws.
- Review and audit of Attorney General's Office in the handling of disciplinary cases and the billing for services provided to boards.
- Redistribution of excessive reserve funds maintained by boards to either decrease fees for licensees, or shift funds to cover increased costs to improve enforcement program.

8. Removal of artificial barriers of entry into the profession.

- Requested or refused changes in examinations or experience requirements when determined to be excessive or unnecessary.
- Recommended national standardization of tests to provide better comity with other states, or creation of state exams where national exam is suspect due to low passage rates. Supported computerization of examinations to provide testing of candidates more often.
- Required an occupational analysis and/or validation on examinations when low or extremely high passage rates, to assure testing for appropriate knowledge, skills and abilities necessary to practice in California.
- Changes in standards for out-of-state licensees or applicants to assure that they are fair and reasonable, and to increase reciprocity and comity with other states and countries.

9. Expansion of programs to assure the continuing competency of the licensed professional.

- Rather than just requiring continuing education courses for renewal of licensure, the Joint Committee requested that boards implement other programs to assure competency, such as random reviews of work product, remedial education or retesting where evidence of incompetence or deficiencies exist.

- Also requested boards to adopt a code of professional ethics and conduct when necessary.

10. Additional and more accurate information being provided and disclosed to the consumer concerning activities of the board and status of licensee.

- Improvements in complaint filing procedures and in the process used to handle complaints to keep consumer better informed and to provide an easier process.
- Changes in disclosure policies and procedures of boards to assure that consumers are receiving accurate information concerning licensees who have violated the law or had disciplinary actions taken against them.
- Increased use of toll free numbers and access to the internet for consumers, and better response time over the phone.

11. Resolution of some of the ongoing issues involving continued licensure, requests for title restrictions or use of professional titles, practice exemptions, and scope of permissible practice.

- The following are some examples of the Joint Committee's efforts to resolve professional practice and licensure issues:
 1. Eliminated certain licensure categories regulated by the Athletic Commission (announcers, box office employees, doorman, ticket sellers, ticket takers, ushers).
 2. Eliminated regulation of waterbed industry.
 3. For dental hygienists, created a separate statutory committee to represent their practice and allow for recommendations of expanded scope of practice to be given serious consideration by Dental Board and the Legislature. Did not support the regulation of all dental assistants.
 4. Expanded exemption from licensure for electrical and mechanical engineers working for industry as consultants or independent contractors, and eliminated at least three (3) of the fifteen (15) title act disciplines of engineering.
 5. Recommended consolidation of the current forty-two licensure classifications for contractors, and creation of a special certification program for home improvement contractors.
 6. Recommended against regulation of pharmacy firms.

7. Recommended support for certification of clinical nurse specialists, but not licensure.
8. Eliminated certification of drugless practitioners, approval of supervising physicians for physician assistants, certification of podiatrists for special ankle surgery, certification of physical therapists for electromyography.
9. Did not approve any new regulatory oversight of other health practitioners such as naturopaths, homeopaths, perfusionists, herbalists, etc.
10. Removed jurisdiction of the Medical Board over other affiliated health practitioner boards and committees.
11. Recommended against regulation of those involved in court reporting type services, such as those who are operating electronic recording devices, transcribing electronic recordings, or operating shorthand reporting agencies.

12. Curtail the growth of new boards , regulatory programs, or new licensure categories.

- In the past three years, since sunset review began, no new boards or licensure categories have been approved by the Legislature. There is the perception, due to the sunset law, that the Legislature is looking for ways to deregulate or consolidate existing regulatory programs, not for creating new ones.

INDIVIDUAL BOARD CHANGES OR ACTIONS TAKEN PURSUANT TO JOINT COMMITTEE RECOMMENDATIONS

[TO BE COMPLETED UPON RE-REVIEW OF BOARDS BEGINNING IN 1999]

1. Athletic Commission

Change or Action Taken:

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2. Barbering and Cosmetology Program

Change or Action Taken:

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3. Board of Chiropractic Examiners

Change or Action Taken:

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4. Contractors' State License Board

Change or Action Taken:

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5. Court Reporters Board

Change or Action Taken:

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6. Board of Geologists & Geophysicists

Change or Action Taken:

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7. Osteopathic Medical Board

Change or Action Taken:

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8. Professional Engineers and Land Surveyors Board

Change or Action Taken:

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9. Structural Pest Control Board

Change or Action Taken:

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